

IN RE: PETITION FOR ZONING VARIANCE
N/S Andrea Avenue, 432' W
of the c/l of Harford Road
(2922 Andrea Avenue)
9th Election District
6th Councilmanic District
Roger Michael Fry, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-95-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 0 feet in lieu of the required 7 feet for a proposed garage, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

Testimony indicated that the subject property, known as 2922 Andrea Avenue and zoned D.R. 5.5, is currently improved with a two-story frame dwelling. Petitioners propose to construct a 15' x 25' attached garage for the protection of their vehicles and personal property. Due to the layout of the existing improvements and grading of the property, the proposed location is the only alternative.

Pictures introduced by Petitioners show the side of the property where the garage will be placed abuts a sediment control pond area which was created for some of the neighboring properties. Testimony further indicated that there is a 9-foot area between Petitioners' property and the fenced area for the sediment pond. Petitioner indicated since they moved to the property approximately one and one-half years ago, they have maintained this area as well as the front strip between the fenced area and Andrea Avenue. Petitioners further testified access to the sediment control pond would not be affected by their proposal as the entrance is

from the front of the property, not the side. Petitioners were advised that prior to the granting of the proposed variance, inquiry will be made by the Zoning Office of the Sediment Control Division of Baltimore County to assure the requested variance would have no adverse impact on the sediment control pond.

Subsequent to the hearing, Paul Hudson, Chief of the Bureau of Engineering, was contacted with respect to the location of the proposed garage and he indicated the relief requested would have no adverse impact on the sediment control pond in question.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of October, 1988 that the Petition for Zoning Variance to permit a side yard setback of 0 feet in lieu of the required 7 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

-2-

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Petitioners shall comply with the requirements as set forth in the comments submitted by Paul Hudson, Chief, Bureau of Engineering, dated October 6, 1988, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-3-

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Ann M. Nastarowicz
TO: Deputy Zoning Commissioner Date: October 6, 1988
FROM: Chief, Bureau of Engineering
Petition for Zoning Variance of 0 Feet
Setback
SUBJECT: 2922 Andrea Avenue Case # 89-95-A (9/9/88)

In answer to your inter-office correspondence of September 26, 1988, Edward Bauer of the Storm Drain Design and Approval Section made a field inspection on September 28, 1988.

The proposed garage addition does not adversely affect the storm water management pond. However, it should be noted that provisions should be made to provide for storm water flow across the front of the proposed garage and existing home. If this is not accomplished, storm water will flow into the proposed garage. Also, the footing for the proposed garage is not to encroach past the property line.

PLH:RAC:EAB:plf

cc: File

RECEIVED
OCT 6 1988

ZONING OFFICE

RECEIVED
OCT 5 1988

ZONING OFFICE

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

October 7, 1988

Mr. & Mrs. Roger M. Fry
2922 Andrea Avenue
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
N/S Andrea Avenue, 432' W of the c/l of Harford Road
(2922 Andrea Avenue)
9th Election District - 6th Councilmanic District
Roger M. Fry, et ux - Petitioners
Case No. 89-95-A

Dear Mr. & Mrs. Fry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE Item 482

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-95-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.B (III.C.3) "A" Residence, 1945) To permit a sideyard setback of 0' in lieu of the required 7'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Petitioners seek permission to construct asphalt driveway and attached one car garage, construction of both to come up to property line (zero setback). Without requested variance, there is no suitable area for construction of the garage and driveway due to unfavorable land contours and limited lot size. Current gravel driveway extends to property line. Property adjoins storm control ditch on driveway side. Proposed construction would not hinder current access to or around storm control ditch.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Roger Michael Fry

(Type or Print Name)

Signature

Mini Fry

(Type or Print Name)

Signature

2922 Andrea Ave.

882-6926

Baltimore MD 21234

Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Roger Fry

2922 Andrea Ave.

955-6304(work)

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of

1988 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of 1988, at 2 o'clock

P.M.

LENGTH OF HEARING 15 MIN.

AVAILABLE FOR HEARING

ON TUES./WED. - NEXT TWO MONTHS

OTHER

DATE 7/1/88

DATE 7/1/88

DATE 7/1/88

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting: 9/24/88

Posted for: Variance
Petitioner: Roger Michael Fry, et ux
Location of property: N/S Andrea Ave., 432' W of Harford Rd.
2922 Andrea Ave.
Location of Sign: Front of property
Remarks: As per party of P.H. Haines
Posted by: J. Robert Haines
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 17, 1988.

TOWSON TIMES,

Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 18, 1988.

THE JEFFERSONIAN,

Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 8/3/88

Mr. & Mrs. Roger Michael Frye
2922 Andrea Avenue
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
N/S Andrea Avenue, 432' W of c/l Harford Road
(2922 Andrea Avenue)
9th Election District - 6th Councilmanic
Petitioner (s): Roger Michael Frye, et ux
HEARING SCHEDULED: THURSDAY, SEPTEMBER 8, 1988 at 3:00 p.m.

Dear Mr. & Mrs. Frye:

Please be advised that \$100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 059110

DATE: 8/3/88 ACCOUNT: 89-95-A

AMOUNT: \$ 100.95

RECEIVED FROM: Roger Michael Frye

FOR: (Signature)

VALIDATION OR SIGNATURE OF CASHIER

0 0131000000 89-95-A

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 22, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
89-95-A
N/S Andrea Avenue, 432' W of c/l Harford Road
(2922 Andrea Avenue)
9th Election District - 6th Councilmanic
Petitioner (s): Roger Michael Frye, et ux
HEARING SCHEDULED: THURSDAY, SEPTEMBER 8, 1988 at 3:00 p.m.

Variance to permit a sideyard setback of 0 feet in lieu of the required 7 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Roger Michael Frye, et ux
File

89-95-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
20th day of July, 1988.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Roger M. Frye, et ux
Petitioner's Attorney: _____
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 25, 1988

FROM: P. David Fields, Director Office of Planning and Zoning

SUBJECT: Zoning Petitions # 89-94-A, 89-95-A, 89-96-A, 89-97-A, 89-98-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. G. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 27 1988
ZONING OFFICE

CPS-008

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 26, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Roger Michael Frye, et ux

Location: N/S Andrea Avenue, 432' W. of c/l of Harford Road

Item No.: 482 Zoning Agenda: Meeting of 7/19/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 7-15-88
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 29, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Avenue
Towson, Maryland 21204

000

Mr. & Mrs. Roger M. Frye
2922 Andrea Avenue
Baltimore, Maryland 21234

RE: Item No. 482 - Case No. 89-95-A
Petitioner: Roger M. Frye, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Frye:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 5, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 475, 476, 482, 487, 1,2,3,4,7,8,9 and 10.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEN/RF/1ab

RECEIVED
AUG 15 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: R. Alonso Childress, Chief Storm Drain Design - Bureau of Engineering

DATE: September 26, 1988

FROM: Ann M. Nastarowicz, Deputy Zoning Commissioner

SUBJECT: Petition for Zoning Variance
N/S Andrea Avenue,
432' W of the c/l of Harford Road
(2922 Andrea Avenue)
Roger Michael Frye, et ux - Petitioners
Case No. 89-95-A

This will confirm our telephone conversation of last week. As discussed, the above-referenced property is the subject of a Petition for Zoning Variance wherein the property owners have requested a variance to permit a side yard setback of 0 feet in lieu of the required 7 feet to construct an attached garage which will abut the property line. A copy of the Petition is enclosed for your reference.

Testimony at the hearing indicated that the property adjoins a storm control ditch as depicted in the attached copy of Petitioner's Exhibit 1. Also attached for your reference is a copy of pictures identified as Petitioner's Exhibit 2 which indicate that the fenced area surrounding the storm control pond is approximately 7 feet from their property line. The Petitioner's property line runs along their driveway. As you can see, there will still be some distance between the property line and the fenced area. Access to the pond through the fence is not on the same side of the property as the proposed garage addition, but does front Andrea Avenue. The property owners were advised at the hearing that the requested variance would not be granted until a determination was made by the appropriate agency as to whether or not the proposed garage addition would in any way adversely affect the storm control pond.

Please review the attached correspondence and advise me accordingly, in writing, of your comments. If you should have any questions on the subject or require additional information, please do not hesitate to contact me on Ext. 3353. Your assistance in this matter will be greatly appreciated.

ANN:mjs
cc: Mr. & Mrs. Roger M. Frye
2922 Andrea Avenue, Baltimore, Md. 21234
Case File

